

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT APPLICATION TRANSMITTAL FORM  
(only for new nonprovisional applications under 37 CFR 1.53(b))

10/19/01  
Jc639 U.S. PTO  
01/19/01

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

BOX: PATENT APPLICATION

SIR:

Transmitted herewith for filing is the patent application (including Specification, Claims, and Abstract, 81 pages) of:

Inventors : **Dewen Qiu, Zhong-Min Wei, and Steven V. Beer**

For : **HYPERSENSITIVE RESPONSE INDUCED RESISTANCE IN PLANTS BY SEED TREATMENT**

*\*\*If a CONTINUING APPLICATION, please mark where appropriate and supply the requisite information below and in a preliminary amendment:*

[ ] continuation [X] divisional [ ] Continuation-In-Part (CIP)  
of prior application Serial No. **08/984,207**

Prior application information: Examiner : **O. Zaghmout**  
Art Unit : **1638**

Enclosed are:

- [ ] \_\_\_\_\_ sheets of \*[insert "informal" or "formal"] drawings.
- [ ] **Signed** Combined Declaration and Power of Attorney (\_\_\_\_\_ pages).
- [X] **Copy of signed** Combined Declaration and Power of Attorney (6 pages) from a prior application (1.63(d) (for continuation/divisional).
- [ ] **Signed** statement deleting inventor(s) named in prior application (\_\_\_\_\_ pages) (1.63(d)(2) and 1.33(b)).
- [X] **Incorporation By Reference:** The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied herewith, is considered as being part of the disclosure of the enclosed application and is hereby incorporated by reference therein.
- [ ] Assignment (\_\_\_\_\_ pages) of the invention to \_\_\_\_\_.
- [ ] Assignment Transmittal Letter.
- [ ] Certified copy of a foreign priority document.
- [ ] Associate power of attorney.
- [X] Applicants claim small entity status. (See 37 CFR 1.27.)

- ☒ Preliminary Amendment (5 pages) with attached Appendix (1 page).
- ☒ Information Disclosure Statement, form PTO-1449 (12 pages) and 160 references (not attached).
- ☐ **UNSIGNED** Combined Declaration and Power of Attorney (\_\_\_\_ pages).
- ☒ Statement in Accordance with 37 CFR § 1.821(f) and computer readable 3.5" Diskette.
- ☒ Sequence Listing (9 pages).
- ☒ A self-addressed, prepaid postcard acknowledging receipt.
- ☐ Other:

The Filing fee has been calculated as shown below:

(Col. 1)		(Col. 2)	SMALL ENTITY		OR	LARGE ENTITY	
FOR:	NO. FILED	NO. EXTRA	RATE	FEE		RATE	FEE
BASIC FEE	XXXXXXXX	XXXXXXXX	XXXX	\$355	OR	XXXX	\$710
TOTAL CLAIMS	37 - 20 =	17	x 9 =	\$153	OR	x 18 =	\$
INDEP CLAIMS	4 - 3 =	1	x 40 =	\$40	OR	x 80 =	\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			x 135 =	\$	OR	x 270 =	\$
			TOTAL	\$548	OR	TOTAL	\$

\*If the Total Claims are less than 20 and Indep. Claims are less than 3, enter "0" in Col. 2

- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. **A duplicate copy of this sheet is enclosed.**
- ☒ A check in the amount of **\$548.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1138. **A duplicate copy of this sheet is enclosed.**
- ☒ Address all future communications to:

Michael L. Goldman  
NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603

Date: January 19, 2001

Edwin V. Merkel  
Edwin V. Merkel  
Registration No. 40,087

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603  
Telephone: (716) 263-1128  
Facsimile: (716) 263-1600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Qiu et al.	)	Examiner:
			)	To Be Assigned
Serial No.	:	Division of 08/984,207	)	
			)	Art Unit:
Filed	:	Herewith	)	To Be Assigned
			)	
For	:	HYPERSENSITIVE RESPONSE INDUCED	)	
		RESISTANCE IN PLANTS BY SEED	)	
		TREATMENT	)	

jc878 U.S. PTO  
09/766348  
01/19/01

STATEMENT IN ACCORDANCE WITH 37 CFR § 1.821(f)


Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box: Patent Application

Sir:

In accordance with 37 CFR § 1.821(f), this statement confirms that the contents of the Sequence Listing (9 pages) of the subject application as submitted herewith and on the computer readable 3.5" Diskette submitted herewith are the same.

Respectfully submitted,

Date: January 19, 2001

  
Edwin V. Merkel  
Registration No. 40,087

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603  
Telephone: (716) 263-1128  
Facsimile: (716) 263-1600

**EXPRESS MAIL CERTIFICATE**



DOCKET NO.: **19603/2986 (CRF D-1940B)**  
APPLICANTS: **Dewen Qiu, Zhong-Min Wei, and Steven V. Beer**  
TITLE: **HYPERSENSITIVE RESPONSE INDUCED RESISTANCE  
IN PLANTS BY SEED TREATMENT**

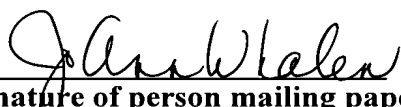
Certificate is attached to the **Utility Patent Application Transmittal Letter  
(2 pages)** of the above-named application.

EXPRESS MAIL NUMBER: **EL709322302US**

DATE OF DEPOSIT: **January 19, 2001**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box: Patent Application.

**Jo Ann Whalen**  
(Typed or printed name of person  
mailing paper or fee)

  
(Signature of person mailing paper  
or fee)